Fax Message

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To:	Renata Hesse		
Company:	United States Department of Justice		
Fax Number:	2026169937		
From:	Robert Trujillo		
Subject:	Microsoft Antitrust Settlement		

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Memo:

If all pages were not received, please call back immediately:

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January 17. 2001

Renata B. Hesse
Antitrust Division
U.S. Department of Justice
601 D Street NW
Suite 1200
Washington, DC 20530-0001

Renata B. Hesse:

As someone familiar with computing and the computer industry, and the adverse effects of Microsoft's monopolies in these areas, I cannot see how the settlement that is proposed even pretends to remedy the antitrust violations for which Microsoft has been found culpable. The company has already been found in violation and this is the penalty phase of the case. but the settlement contains no penalties and actually advances Microsoft's operating system monopoly. A just penalty would at barest minimum include these additional features:

Any remedy seeking to prevent an extension of Microsoft's monopoly must place Microsoft products as extra-cost options in the purchase of new computers. so that the user who does not wish to purchase them is not forced to do so. This means that for the price differential between a new computer with Microsoft software and one without, a computer seller must offer the software without the computer (which would prevent computer makers from saying that the difference in price is only a few dollars). Only then could competition come to exist in a meaningful way.

The specifications of Microsoft's present and future document file formats must be made public. so that documents created in Microsoft applications may be read by programs from other makers. on Microsoft's or other operating systems. This is in addition to opening the Windows application program interface (API. the set of "hooks" that allow other parties to write applications for Windows operating systems). which is already part of the proposed settlement.

Any Microsoft networking protocols must be published in full and approved by an independent network protocol body. This would prevent Microsoft from seizing de facto control of the Internet.

Any Microsoft software that is bundled with Microsoft's operating system, software such as Internet Explorer and Windows Media Player, should be removable from the Operating System. Thus if the user chooses a competitors product and no longer desires to use Microsoft's product, the user can then remove that application and all files pertaining to that application. This should be made retroactive, i.e. older versions of the Windows operating system should be made to comply with action.

Microsoft and or O.E.M.s should be compelled to include Sun MicroSystems Java virtual machine. Microsoft has decided to discontinue shipping Sun MicroSystems Java virtual machine in it's future releases of its operatin system, this includes the currently shipping Windows XP. Microsoft had in the past shipped Sun MicroSystems Java virtual machine with its products but after its settlement with Sun MicroSystem, has decided against this action. This action is quite harmful to users and developers who use the Java programming language and applications developed from this product. This action unfairly penalizes users and developers alike. Note Microsoft's Visual Basic components continue to ship with their operatin system, giving Microsoft's Visual Basic product an unfair advantage.

I believe these changes listed above would go along way in improving the proposed settlement.

Sincerely,

Robert Trujillo